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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/074,299	RIEGER ET AL.	
	Examiner	Art Unit	
	Kenneth L. Bartley	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40 and 42-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40 and 42-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Receipt of Applicant's amendment and response filed October 31, 2007 is acknowledged.

Response to Amendment

2. Claims 1, 8, 18, 25, and 35 are currently amended. Claim 41 has been canceled. Claims 1-40 and 42-44 are pending in the application and are provided to be examined upon their merits.

3. The Examiner has rejected the amended claims on new ground of rejection not necessitated by the amendments. Accordingly this action is made a non-final action.

Response to Arguments

4. Applicant's arguments with respect to claims 1-40 and 42-44 have been considered but are moot in view of the new ground(s) of rejection. Nevertheless, the Examiner provides detail responses (in **bold**) below where appropriate.

The Examiner first thanks the Applicant for their remarks.

Regarding Applicant's remarks:

I. Rejection Under 35 U.S.C. § 101

The Examiner rejected independent Claims I and 8, and the claims that depend thereon, under 35 U.S.C. § 101. The Examiner asserts that "Claims 1 and 8 provide for determining and presenting a probability, but by itself, presenting a probability is not useful or tangible."

Applicants respectfully traverse the Examiner's assertions in that presenting a probability is useful as described in the examples contained in the specification. (See, e.g., Figures .4A and 4B and associated discussion.) However, in the interest of expediting prosecution of this application, Applicants submit with this response amendments to Claims 1 and 8 that are believed to address the Examiner's rejection. Claims I and 8 have been amended to recite that the probability is presented "for the preliminary evaluation of the real estate transaction."

Applicants submit that Claims 1 and 8, as amended are consistent with the guidelines of MPEP §§ 2106 and 2107 and satisfy the utility requirements of 35 U.S.C. § 101.

The Examiner respectfully reminds the applicant of the following:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., usefulness of a probability statistic) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner thanks the Applicant for amending their claims, but does not believe the claims prior to the current amendment teach a useful, concrete, and tangible step. The Examiner notes that the amended claim is now consistent with the preamble's promise for "...making a preliminary evaluation of the probability of approval of a real estate transaction..." The Examiner therefore removes the 35 U.S.C. §101 rejection

II. Rejections Under 35 U.S.C. § I03

Applicant cites references used in 35 U.S.C. §103 rejection:
The Examiner rejected Claims 1-4, 7-15, 17-18, 21-22, 24-32, 34-37, 39 and 41-44 under 35 U.S.C. § 103 as being unpatentable over the combination of U.S. Published Patent Application No. 2001/0047326 A1 to Broadbent, et al. ("Broadbent") and U.S. Published Patent Application No. 2001/0039525 A1 to Messmer et al. ("Messmer"). The Examiner also rejected Claims 19, 38 and 40 under 35 U.S.C. § 103 as obvious in view of the combination of the Broadbent reference and U.S. Published Patent Application No. 2002/0152155 A1 to Greenwood. Lastly, the Examiner rejected Claims 5-6, 16, 20, 23 and 33 under 35 U.S.C. § 103 as obvious in view of the combination of the cited references and in further view of the Examiner's Official Notice that "'creating and displaying curves in order to perform financial analysis is old and well known."

A. Independent Claims 1 and 8

Applicant argues that combined prior art does not teach or suggest a probability:
Applicants respectfully traverse the Examiner's contention that Claims 1 and 8 are obvious in view of the combination the Broadbent and Messmer references. Independent Claims 1 and 8 each recite a step of determining a probability that the real estate transaction will be approved based on product specific information. Applicants submit that Broadbent and Messmer, either alone or combination, do not disclose determining a probability that the real estate transaction will be approved based on product specific information.

The Broadbent reference describes a system that combines a loan application process with an automated compliance process. The Examiner cites paragraph 80 of Broadbent as teaching the step of determining a probability that the transaction will be approved. However, paragraph 80 of Broadbent merely describes the system providing a positive or negative response as to whether a loan product is available. This positive or negative response does not provide a probability concerning the approval of the transaction.

> **The Examiner pointed out in the prior Office Action that Broadbent et al. does not teach the probability that a transaction will be approved based on product specific information, but provided Messmer et al. with Broadbent to teach this aspect of Applicant's claim element.**

Applicant continues on page 16, 4th para.:
Paragraph 80 of Broadbent goes on to describe human review of the loan application, "adjustment, and probable selection of a suitable loan product." The process described in Broadbent does not include determining a probability that the transaction will be approved and then using that probability to make a preliminary evaluation of the transaction. Instead, Broadbent simply describes a situation where a loan officer will probably select another loan product for the applicant.

> **The Examiner agrees with this but provided Messmer et al. to teach probability.**

Applicant continues on page 16, last para.:
The Messmer reference also fails to describe the step of determining a probability that the transaction will be approved based on product specific information. Messmer discloses a system for placing a value on a large portfolio of assets or loans by evaluating only a portion of the portfolio and extrapolating from the evaluation. (Messmer, paragraphs 0006 and 0007.) While Messmer refers to determining a purchase price "as a fixed value or a probabilistic one," this is not the same as the probability recited in Claims 1 and 8. (Messmer, paragraph 0036.) The probabilistic

value computed in Messmer is a value extrapolated from limited information gathered from a portfolio of assets. In contrast, the probability recited in Claims 1 and 8 is based on product specific information and is used in a preliminary valuation of a real estate transaction.

The Examiner notes the argument, and provides new art below that teaches determining probability of transaction approval based on product specific information.

Applicant argues on page 17, 2nd para.:
Lastly, Applicants submit that it would not be obvious to one of ordinary skill in the art to combine the teachings of Broadbent and Messmer. As described above, Broadbent concerns a loan application and compliance system. Messmer, on the other hand is not directed to approving real estate transactions, but is focused on valuation of large portfolios containing many assets.

Accordingly, Applicants submit that Broadbent and Messmer do not disclose the invention recited in Claims 1 and 8.

Noted, however, the Examiner provides new art.

B. Independent Claims 18 and 25
Applicants respectfully traverse the Examiner's position that independent Claims 18 and 25 are obvious in view of the combination of the Broadbent and Messmer references. Independent Claims 18 and 25, as amended, recite receiving a range of acceptable prices for the real estate transaction based on product specific information where the product specific information is at least one of an amount of the product, a term of the product, a fee associated with the product, a collateral age, and a collateral income. Applicants submit that Broadbent and Messmer do not disclose receiving a range of acceptable prices for a real estate transaction based on the product specific information.

Applicant continues on page 17, 5th para.:
Broadbent only discloses providing a negative or positive response to a loan application. If the loan application is rejected, Broadbent describes having a loan officer review the application to determine if there is another acceptable loan product. (Broadbent, paragraph 0080.)

Messmer also fails to provide the necessary teachings to render Claims 18 and 25 obvious. Messmer is directed to evaluating a large portfolio of assets by examining only a portion of the portfolio's information. Messmer describes calculating a purchase price as a fixed or probabilistic value. However, Messmer docs not disclose providing a range of acceptable prices for a real estate transaction based on product specific information. Furthermore, it would not be obvious to combine the teachings of Messmer and

Broadbent because Messmer is not directed to approving applicants for a real estate transaction.

In further reviewing Boradbent and Messmer, the Examiner concurs with the Applicant regarding providing a range of acceptable prices for a real estate transaction. However, the Examiner provides new art below.

C. Independent Claim 35

Applicants respectfully traverse the Examiner's position that independent Claim 35 is rendered obvious by the combination of Broadbent and Messmer. Independent Claim 35, as amended, recites a system comprising a transaction evaluator software module operable for determining a probability that a real estate transaction will be approved based on the data describing the transaction. The Broadbent reference describes a system providing a positive or negative response as to whether a loan product is available. (Broadbent, paragraph 0080.) Messmer, on the other hand, describes determining a purchase price as a fixed or probabilistic value. However, Messmer's purchase price is based on a valuation extrapolated from examining only a portion of the assets of a large portfolio. Applicants submit that Broadbent and Messmer, either alone or in combination, do not teach a system that determines a probability as to whether a real estate transaction will be approved based on data describing the transaction. Applicants further submit, as described above, that it would not be obvious to combine the teachings of the two cited references given their disparate disclosures.

The Examiner provides new art that teaches the probability as to weather a real estate transaction will be approved based on data describing the transaction.

D. Rejection of Dependent Claims 5-6, 16, 20, 23 and 33 Based on Official Notice

The Examiner rejected dependent Claims 5-6, 16, 20, 23 and 33 in view of the combination of the cited references and further in view of the Examiner's Official Notice position that "creating and displaying curves in order to perform financial analysis is old and well known.'" Applicants respectfully traverse the Examiner's Official Notice position. Applicants submit that it is not well-known to use price curves to determine a probability or a range of acceptable prices as recited in Claims 5-6, 16, 20, 23 and 33.

The Examiner points to U.S. Patent 7,225,153 to Lange where:
"As the limit "price" is increased, the quantities specified in a buy order are more likely to be filled, and a curve can be drawn with the associated limit "price"/quantity pairs. The curve represents the amount that could be filled (for example, along the X-axis) versus the corresponding limit "price" or implied probability of the strike of the order (for example, along the Y-axis). Such a curve should be useful to traders, since it provides an indication of the "depth" of the DBAR-DOE for a given contract or group of contingent claims. In other words, the curve provides information on the "price" or

implied probability, for example, that a buyer would be required to accept in order to execute a predetermined or specified number of value units of investment for the digital option."

E. Dependent Claims
Each of Claims 2-7, 9-17, 19-24, 26-34, 36-40, and 42-44 depends directly or indirectly from one of the independent claims discussed above. Accordingly, for at least the reasons discussed above with respect to the independent claims, Applicants submit that the dependent claims are likewise patentable over at least the cited references. The dependent claims also recite additional features that further define the claimed invention over the cited references. Accordingly, Applicants request separate and individual consideration of each dependent claim.

Applicants have not addressed each specific rejection of the dependent claims because Applicants submit that the independent claims are allowable over the documents of record, as discussed above. Applicants have not acquiesced to any such rejections and reserve the fight to address the patentability of any additional claim features in the future.

Noted, however the Examiner cites new art.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-34 are rejected under 35 U.S.C. 101 because the claimed invention is considered abstract. Claims 18 and 25 teach a method for using an evaluator software module, but there is no apparatus to support this method. Specifically, the Supreme Court has held that a claim reciting an algorithm or abstract idea can state statutory subject matter only if, as employed in the process, it is embodied in, operates on, transforms, or otherwise involves another class of statutory subject matter, i.e., a machine, a manufacture, or composition of matter (See In re Comiskey, (Fed. Cir.

2007)). As the PTO notes, "[t]he Supreme Court has recognized only two instances in which such a method may qualify as a section 101 process: when the process either [1] was tied to a particular apparatus or [2] operated to change materials to a different state or thing.

Claims 19-24 and 26-34 are rejected because they depend from their respective independent claim.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. For example, claim 1 in the preamble teaches "...the probability of approval..." where it should state "...a probability of approval..." In step 4, the claim states "...determining a probability that..." where it should state "...determining the probability that..." Claim 8 has similar issues.

9. Claims 18 and 25 teach inputting identifying information into a software module, but it is impossible for a user to input information directly into a software module. There needs to be a hardware interface of some type. Also, the software compares identifying information to initial criteria, but it is impossible for software to do this without the aid of a processor.

10. Claims 18 and 25 teach "if the identifying information satisfies the initial criteria, inputting product specific information into the evaluator software module..." It is unclear how this can be accomplished (input of specific information) without first notifying/indicating to someone that the identifying information is satisfied.

11. Claims 2-7, 9-17, 19-24, and 26-34 are rejected because they depend from their respective independent claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-4, 7-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US 2001/0047326 A1 to Broadbent et al., in view of U.S. Patent No. 6,988,082 to Williams et al..

[Note that the analysis for the method claim 1 is the same or similar for claim 8 and 15]

Regarding claim 1, 8, and 15:
(claim 1) A computer-implemented method for making a preliminary evaluation of the probability of approval of a real estate transaction comprising the steps of:

Broadbend et al. discloses:
A computer system for approval of real estate transactions... "The present invention relates to the general field of computers, telecommunications, and computer and Internet related systems. More specifically the invention relates to systems and processes to be used in the mortgage industry for combining a customer Loan Application System with an automated Compliance Engine used for generating and monitoring a set of required procedures involved in moving and tracking a mortgage loan through one or more of the steps of `originate`, `approve`, `close`, `fund`, and `ship`." ¶ [0010]

receiving identifying information comprising at least one of product type, collateral type, and geographic market;

Collateral type and geographic market information can be input into the system (Fig. 9).

determining whether the identifying information is acceptable;

The ability to authenticate a user (Fig. 4A, ref. 403), and check for compliance with regulatory requirements... "The automated compliance engine itself is a system and method for automatically generating a set of required tasks for use in managing the mortgage loan process, including tasks required by applicably federal or state law." ¶ [0025]

if the identifying information is acceptable, receiving product specific information comprising at least one of an amount of the product, a term of the product, a fee associated with the product, a collateral age, and a collateral income;

Amount of a product and term of a product (time plan to keep property) can be input into the system (Fig. 9). Also fees associated with the product can be displayed (Fig. 19).

determining a probability that the transaction will be approved based on the product specific information; and

(see below)

presenting the probability for the preliminary evaluation of the real estate transaction.

While Broadbent et al. is in the business of real estate transactions, using a computer implemented system, they do not disclose the presenting the probability of a transaction occurring.

Williams et al., in the same field of endeavor of computerized systems for real estate transactions teaches:

> **The computer software includes a probable qualification calculator 20, a pricing engine 22, an underwriting engine 24, and a collateral assessment module 26 within the underwriting engine, each a set of software objects and/or program elements collectively having the ability to execute independently in a separate thread or logical chain of process execution, while permitting the flow of data inputs there between. (col. 4, liens 4-13)**
>
> **If the borrower chooses to apply for a loan, the loan originator makes a request for an underwriting decision. In response to such request, system 10, through underwriting engine 24, will provide to the loan originator an underwriting recommendation, lender and borrower findings, and a borrower/product specific interest rate as described in greater detail hereinafter. It should be recognized that if the borrower used probable qualification calculator 20, all applicable information will preferably populate the loan application to minimize data entry. (col. 18, lines 52-61)**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add during initial evaluation of a real estate transaction, the probability of approval, motivated by Williams et al., and that such information would be useful to loan originators and investors, and could, for example, decrease the likelihood of default or improve returns.

12. Claims 18, 21-22, 24-32, 34, and 35-37, 39, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (11)

above in further view of Winkler (Kevin Winkler, "Technology for risk-based pricing and management," Mar. 1999, Mortgage Banking; 59, 6, pp. 75-82).

Regarding claims 18, 25, and 35:

(claim 18). (currently amended) A method for using an evaluator software module to determine whether to proceed with a real estate transaction comprising the steps of:

Broadbend et al. discloses:

A computer system for approval of real estate transactions... "The present invention relates to the general field of computers, telecommunications, and computer and Internet related systems. More specifically the invention relates to systems and processes to be used in the mortgage industry for combining a customer Loan Application System with an automated Compliance Engine used for generating and monitoring a set of required procedures involved in moving and tracking a mortgage loan through one or more of the steps of `originate`, `approve`, `close`, `fund`, and `ship`." ¶ [0010]

inputting identifying information into the evaluator software module comprising at least one of product type, collateral type, and geographic market;

Collateral type and geographic market information can be input into the system (Fig. 9).

comparing the identifying information to initial criteria using the evaluator software module;

The ability to authenticate a user (Fig. 4A, ref. 403), and check for compliance with regulatory requirements... "The automated compliance engine itself is a system and method for automatically generating a set of required tasks for use in managing the mortgage loan process, including tasks required by applicably federal or state law." ¶ [0025]

if the identifying information satisfies the initial criteria, inputting product specific information into the evaluator software module, the product specific information comprising at least one of an amount of the product, a term of the product, a fee associated with the product, a collateral age, and a collateral income; and

Amount of a product and term of a product (time plan to keep property) can be input into the system (Fig. 9). Also fees associated with the product can be displayed (Fig. 19).

receiving a range of acceptable prices for the real estate transaction based on the product specific information calculated using the evaluator software module.

While Broadbent et al., in the business of real estate transactions, teaches application data and authorizing a loan, they do not teach a range of acceptable prices for a real estate transaction based on product specific information.
Winkler, also in the business of real estate teaches "value at risk and" (VAR) "risk-based pricing" and models where:

> **"...the VAR of a pool of mortgages... will include both a forecast of the expected pool value as well as a likely range of pool values..."(pg. 75, 3rd para.)**
> **Use of VAR for risk based pricing (pg. 80, para. 3).**

Therefore, it would have been obvious to one skilled in the art at the time of invention to consider different prices based on product specific information, motivated by Winkler, and that such information would provide a range of pricing for different product characteristics, allowing multiple products to be offered.

Regarding claims 2, 10, 21, and 27:
(claim 2) The method of Claim 1, wherein the product type is one selected from the group comprising on-book debt, equity, and mortgage-backed securities.

While the above combined references teach a system of determining the probability a real estate transaction will be approved, they do not teach such things a mortgaged-backed securities.
Williams et al., in their background teaches:

> **"When a mortgage is made in the primary mortgage market, the lender has several options which include: (i) holding the loan as an investment in its portfolio; (ii) selling the loan to investors in the "secondary mortgage market" (which includes financial institutions, pension funds, insurance companies, securities dealers, and various other investors) to replenish its supply of funds; or (iii) packaging the loan with other loans and exchanging them for securities like mortgage backed securities which provide lenders with a liquid asset to hold or sell to the secondary market. By choosing to sell its mortgage loans to the secondary mortgage market, or by selling the mortgage backed securities, lenders get a new supply of funds to make more home mortgage loans, thereby assuring home buyers a continual supply of mortgage credit. (col. 1, lines 31-45)**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to consider other product types, motivated by Williams et al. who teaches other financial instruments, and that such

information would be useful for enhancing the products to use with the above combined system.

Regarding claims 3, 13, and 22:
(claim 3) The method of Claim 1, wherein determining whether the identifying information is acceptable comprises:

retrieving predetermined criteria from a data source; and

Broadbend et al. discloses:
Fig 4A, ref. 407 provides for comparing origination loan data to available loan products.

comparing the identifying information to the predetermined criteria.

"The Loan Origination & Program Matching module returns a list of loan products for which the borrower is qualified 409. In a preferred embodiment, this function is provided by a PremierPricer.TM." ¶ [0123]

Regarding claims 4, 14, and 31:
(claim 4) The method of Claim 1, wherein determining whether the identifying information is acceptable comprises determining a market hurdle for the transaction.

Broadbend et al. discloses:
"If no loan products are available, then the system returns an appropriate notification, and the loan application is forwarded to the lender, with the initial desired loan product, for human review, adjustment, and probable selection of a suitable loan product for underwriting." ¶ [0080]. The system is therefore setting thresholds (hurdles) that loans need to meet.

Regarding claim 7, 17, 24, and 34:
(claim 7) A computer-readable medium having computer-executable instructions for performing the steps recited in Claim 1.

Broadbend et al. discloses:
"An embodiment of the Mortgage Loan Management System of the present invention can operate on a general purpose computer unit which typically includes generally the elements shown in FIG. 2. The general purpose system 201 includes a motherboard 203 having thereon an input/output ("I/O") section 205, one or more central processing units ("CPU") 207, and a memory section 209 which may or may not have a flash memory card 211 related to it. The I/O section 205 is connected to a keyboard 226, other similar general purpose computer units 225, 215, a disk storage unit 223 and a CD-ROM drive unit 217. The CD-ROM drive unit 217 can read a CD-ROM medium 219 which typically contains programs 221 and other data." ¶ [0117]

Regarding claim 9 and 26:
(claim 9) The method of Claim 8, wherein the identifying information comprises a product type.

Broadbend et al. discloses:

Fig. 18 provides different product types that a borrower can select.

Regarding claim 11 and 28:
(claim 11) The method of Claim 8, wherein the identifying information comprises a collateral type.

Broadbend et al. discloses:

Fig. 9 provides for collateral type.

Regarding claim 12 and 29:
(claim 12) The method of Claim 8, wherein the identifying information comprises a geographic market.

Broadbend et al. discloses:

Fig. 9 provides for geographic location of the property.

Regarding claim 30, 43:
(claim 30) The method of Claim 25, wherein comparing the identifying information to initial criteria comprises:

requesting the initial criteria; and

Broadbend et al. discloses:

The ability to authenticate a user (Fig. 4A, ref. 403), and check for compliance with regulatory requirements... "The automated compliance engine itself is a system and method for automatically generating a set of required tasks for use in managing the mortgage loan process, including tasks required by applicably federal or state law." ¶ [0025]

comparing the initial criteria to the identifying information.

The ability to compare, where... "The system of the present invention automatically couples the regulatory compliance information engine and a task management system required to process loans and provides methods for integrating the Automate Compliance Engine technology with any third party's loan processing software." ¶ [0025]

Regarding claim 32:
The method of Claim 25, wherein the product specific information comprises at least

one of an amount of the product, a term of the product, a fee associated with the product, a collateral age, and a collateral income.

Broadbend et al. discloses:

The amount of a product and term of a product (time plan to keep property) can be input into the system (Fig. 9). Also fees associated with the product can be displayed (Fig. 19).

Regarding claim 36:

The system of Claim 35, wherein the client is operated by a loan originator to evaluate a real estate transaction.

Broadbend et al. discloses:

"The invention allows loan originators to enter loan applications..." ¶ [0027].

Regarding claim 37:

The system of Claim 35, wherein the client is operated by a customer to evaluate a real estate transaction.

Broadbend et al. discloses:

"Referring to FIG. 33, A loan originator, in any of several manifestations, may originate a mortgage loan request on behalf of a client, a `borrower`. The `Loan Application Gateway` provides for the Lender/Loan Originator to enter his data and borrower data 3401..." ¶ [0130]

Regarding claim 39:

The system of Claim 35, wherein the data source contains current market data.

Broadbend et al. discloses:

Fig. 12 provides current market data regarding loan rates.

13. Claims 19, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (12) above in further view of Pub. No. US 2002/0152155 A1 to Greenwood et al..

Regarding claim 19:

The method of Claim 18, further comprising determining a rating for the transaction based on the range of acceptable prices using the evaluator software module.

While the references as combined above are in the business of real estate transactions, they do not disclose determining a rating.

Greenwood, in the same field of endeavor of real estate transactions, discloses:

> **"A multi-dimensional database permits drilldowns through the organization and the ability to stratify a lending portfolio by product, risk rating, industry, collateral, original credit size, non-performing status, vintage, and time period. Each multi-dimensional report can be viewed as a data grid or a chart, can be readily modified by the user and can be readily exported to a spreadsheet. User-defined calculations and sorting can also be applied to each report." ¶ [0018]**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to consider rating transactions, motivated by Greenwood et al., and that such information would be useful to a company for evaluating the risk of their outstanding loan portfolio.

Regarding claim 38:
The system of Claim 35, wherein the data source contains investment appetites for an investor.

While the references as combined above are in the business of real estate transactions, they do not disclose determining a rating.

Greenwood, in the same field of endeavor of real estate transactions, discloses:

> **"Using the integrated system (Fig. 1), the ability to use source data for different investment opportunities... "The Portfolio Management component 16 which performs as a combination of workstation software and professional services, enables management to identify revenue opportunities and cross-selling opportunities and to track and identify revenue leakage for either a particular customer or for a specific customer segment of a portfolio." ¶ [0017]**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to consider data sources with different investment types, motivated by Greenwood et al., and that such information would be useful to a company for expanding their investments.

Regarding claim 40:
The system of Claim 35, wherein the data source contains weighting factors selected by an investor for desirable transactions.

While the references as combined above are in the business of real estate transactions, they do not disclose determining a weighting factors.

Greenwood, in the same field of endeavor of real estate transactions, discloses:

> **"Success of repayment of a consumer loan can be predicted by rating various factors related to the borrower." ¶[0086]**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to consider weighting factors, motivated by Greenwood et al., and that such factors would be useful in managing loans for desirable characteristics.

14. Claims 5-6, 16, 20, 23, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (12) above in view further view of Official Notice.

Regarding claims 5, 16, 23, and 33:
5. The method of Claim 1, wherein determining a probability that the transaction will be approved comprises:
calculating a loan size array;
calculating a minimum price curve; calculating a maximum price curve; calculating a proceed cutoff curve; and
determining the position of the amount of the product in relation to the minimum price curve, the maximum price curve, and the proceed cutoff curve.

Regarding claims 6:
The method of Claim 5, further comprising the step of displaying the minimum price curve, the maximum price curve, and the proceed cutoff curve on a graph.

Regarding claim 20:
The method of Claim 18, further comprising presenting a graph displaying the range of acceptable prices for the transaction using the evaluator software module.

While the references as combined above, disclose calculating expected, high and low values, they do not disclose minimum, maximum and cutoff curves. However, the Examiner takes Official Notice that creating and displaying curves in order to perform financial analysis is old and well known. Therefore, it would have been obvious to one skilled in the art at the time of invention to include price curves and that such curves would

help an investor make better and faster decisions regarding investment choices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAGDISH N. PATEL
PRIMARY EXAMINER